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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Australia,* Benin,* Bulgaria,* Cyprus,* Estonia, Georgia,* Germany, Greece,* Guatemala,* Honduras,* Hungary,* Israel,* Latvia, Lithuania,* Luxembourg,* New Zealand,* Peru,* Republic of Moldova,* Spain,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay:* draft resolution

29/... The right to freedom of expression, including in the form of art

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all previous resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular the most recent, Council resolutions 23/2 of 13 June 2013 and 25/2 of 27 March 2014,

Reaffirming articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Welcoming the important work of the United Nations Educational, Scientific and Cultural Organization to promote and protect the right to freedom of expression, including in the form of art, and cultural diversity,

Recognizing that the effective exercise of the right to freedom of opinion and expression, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

* Non-member State of the Human Rights Council.

Recognizing the work on this topic conducted by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and other special procedures mandate holders,

Condemning any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media, or any other means, including in the form of art,

Noting that art may describe forms of expression that carry an aesthetic and/or symbolic dimension, using different media, including but not limited to painting and drawing, music, song and dance, poetry and literature, theatre and circus, photography, cinema and video, architecture and sculpture, performances and public art interventions, while bearing in mind the importance of respect for cultural and religious diversity,

Emphasizing the role of art as an important vehicle for each person, individually and in community with others, and groups of people to express their views,

Noting that artistic creativity is important for the development of vibrant cultures and contributes to the functioning of democratic societies,

Recognizing that arts education can instil respect for and appreciation and understanding of creative and artistic expression, and can awaken the ability to be artistically creative,

Encouraging States to create an enabling environment for artists to exercise their right to freedom of expression, including in the form of art, while acknowledging the importance of cultural, social and economic benefits of art, including as a means of expression and livelihood,

Concerned that obstacles to exercising the right to freedom of expression, including in the form of art, may generate important cultural, social and economic losses,

1. *Reaffirms* that everyone has the right to freedom of expression, including in the form of art;

2. *Also reaffirms* that everyone has the right freely to participate in the cultural life of the community;

3. *Calls upon* all States:

(*a*) To promote and protect the right to exercise freedom of opinion and expression, including in the form of art, both online and offline, for all individuals;

(*b*) To respect the freedom indispensable for scientific research and creative activity;

(*c*) To take all measures necessary to put an end to violations of the right to freedom of expression, and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

(*d*) To ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence, and to bring to justice those responsible in order to combat impunity;

(*e*) To promote the development and enhancement of arts education in schools and communities, consistent with their obligations and commitments regarding the right to education, particularly regarding children;

(*f*) To ensure that any measure that may impose restrictions on the right to freedom of expression, including in the form of art, is in conformity with their international human rights obligations;

4. *Emphasizes* the important role of artistic expression and creativity in the development of society and, accordingly, the importance of a safe and enabling environment in that regard, in accordance with article 19 of the International Covenant on Civil and Political Rights;

5. *Invites* special procedures mandate holders, and in particular the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to pay attention, within the framework of their mandates, to the right to freedom of expression in the form of art and the effects of obstacles in this regard.